

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Rigoberto Enrique Isaza,

Plaintiff

v.

Earl Marshal Trotter, et al.,

Defendants

2:15-cv-00632-JAD-GWF

**Order Adopting Report and
Recommendation and Dismissing
Complaint with Prejudice**

[ECF Nos. 24, 28]

Pro se Nevada state prisoner Rigoberto Enrique Isaza sues his step father Earl Marshal Trotter and Farmers Insurance for civil-rights violations under 42 U.S.C. § 1983. Isaza alleges that Trotter defrauded him out of his share of the rental income from the family house and that Farmers Insurance and Trotter breached Isaza's mother's will. Magistrate Judge Foley screened Isaza's amended complaint and recommends that I dismiss it with prejudice because Isaza has not pleaded any facts to show that Trotter or Farmers were acting under color of state law or that these defendants deprived him of a right secured by the Constitution or the laws of the United States.¹

Isaza's timely objections² do not cure the deficiencies identified by the magistrate judge. Isaza conclusorily argues that the breach of his mother's will is a constitutional injury, that he has a constitutional right to inheritance from his mother, that defendants have violated federal probate laws, and that Farmers Insurance "acts under state laws."³ Isaza still offers no facts to show that his federally established rights were violated or that the defendants acted under color of state law. I therefore adopt Magistrate Judge Foley's report and recommendation and dismiss Isaza's claims for failure to state a claim. And because Isaza has previously been granted leave to amend and I find that amendment would be futile, this dismissal is with prejudice, and I direct the Clerk of Court to

¹ ECF No. 24.

² ECF No. 28.

³ *Id.*

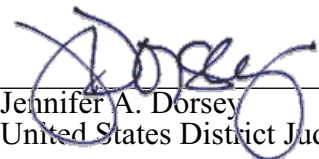
1 close this case.

2 **Conclusion**

3 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY ORDERED,
4 ADJUDGED, and DECREED that **Magistrate Judge Foley's report and recommendation [ECF**
5 **No. 24] is ADOPTED, Isaza's objections [ECF No. 29] are OVERRULED, and this case is**
6 **dismissed with prejudice.**

7 The Clerk of Court is instructed to enter judgment accordingly and CLOSE THIS CASE.

8 Dated this 6th day of June, 2016.

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10 Jennifer A. Dorsey
11 United States District Judge
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